

**Council for the Village of Yellow Springs
Regular Session Minutes**

Council Chambers @ 6:30 P.M.

Monday, June 21, 2022

CALL TO ORDER

President of Council Brian Housh called the meeting to order at 6:30pm.

ROLL CALL

Present were President Brian Housh, Vice President Kevin Stokes and Council members Carmen Brown, Gavin DeVore Leonard and Marianne MacQueen. Also present was Village Manager Josue Salmeron.

EXECUTIVE SESSION (6:30)

At 6:31pm, Stokes MOVED and MacQueen SECONDED a MOTION TO ENTER EXECUTIVE SESSION for the Purpose of Discussing the Hiring of a Public Employee. The MOTION PASSED 5-0 on a ROLL CALL VOTE.

At 6:59 Stokes MOVED and Brown SECONDED a MOTION TO EXIT EXECUTIVE SESSION. The MOTION PASSED 5-0 ON A VOICE VOTE.

SWEARINGS IN

President Housh swore in Johanna Schultz-Herman as Alternate Member of Environmental Commission.

The Village Manager swore in Officer Paul Raffoul as Police Corporal. Chief Burge read in a statement attesting to Raffoul's integrity and fitness for the position.

ANNOUNCEMENTS

Stokes commented on the Juneteenth celebration, enumerating the events and noting that the celebration was well put together and very successful. He thanked those who helped in the effort.

Salmeron announced Pride weekend activities upcoming.

Salmeron noted the Fourth of July celebration as next on the docket, stating that again the Odd Fellows are undertaking purchase of the fireworks. The Clerk added that donations are being solicited for the fireworks display.

Salmeron announced open House for Lawson Place on Thursday and Friday from 2-4pm.

CONSENT AGENDA

1. Minutes of June 6, 2022 Regular Session
2. **Resolution 2022-41** Approving 2022-2023 Rental and Leasing Rates for Lawson Place Apartments

Stokes MOVED and MacQueen SECONDED a MOTION TO APPROVE THE MINUTES OF JUNE 6th, 2022. The MOTION PASSED 5-0 ON A VOICE VOTE.

MacQueen MOVED and Brown SECONDED a MOTION TO APPROVE RESOLUTION 2022-41. The MOTION PASSED 5-0 ON A VOICE VOTE.

REVIEW OF AGENDA

The PFCO item was moved to the next meeting. Manager's Report was moved up on the agenda.

Salmeron requested that Council make a decision regarding his request for funding for Lawson Place. This was moved to the discussion regarding the Home, Inc. request.

PETITIONS/COMMUNICATIONS

The Clerk will receive and file:

Mayor's Clerk re: Mayor's Report (2)
Emily Seibel, YSHI re: Project Updates and Request for Funds
Josue Salmeron re: Resignation of Finance Director

Stokes reviewed the materials received.

PUBLIC HEARINGS/LEGISLATION

Second Reading and Public Hearing of Ordinance 2022-22 Amending the Official Zoning Map of the Village of Yellow Springs, Ohio for the Property Located at 110 East Center College Street Parcel Id #F19000100080037300 from "E-I" Educational Institution District to "R-C" High-Density Residential District for a Total of 0.8045 Acres. Stokes MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Swinger noted that the property owner intends to engage in a lot split to create four lots once the lot is re-zoned. Swinger addressed several Council questions regarding permissibility for this, and other potential options. Swinger affirmed that the property owner is not interested in creating more than four lots.

Housh OPENED THE PUBLIC HEARING. There being no comment, Housh CLOSED THE PUBLIC HEARING AND CALLED THE VOTE. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

Second Reading and Public Hearing of Ordinance 2022-23 Repealing Section 1040.12 "Utility Round Up Fund" And Enacting New Section 1040.12 Entitled "Utility Round Up Program". MacQueen MOVED and Stokes SECONDED a MOTION TO APPROVE.

Housh OPENED THE PUBLIC HEARING.

Stokes commented on the legislation, opening the door to a general discussion of affordability.

There being no further comment, Housh CLOSED THE PUBLIC HEARING AND CALLED THE VOTE. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

Second Reading and Public Hearing of Ordinance 2022-24 Amending Council Rules and Procedures for 2022. Stokes MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Housh commented that the item is only to move the Manager's report up on the agenda.

Housh OPENED THE PUBLIC HEARING. There being no comment, Housh CLOSED THE PUBLIC HEARING AND CALLED THE VOTE. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

Emergency Reading of Ordinance 2022-25 Approving the Editing and Inclusion of Certain Ordinances and Resolutions as Parts of the Various Component Codes of the Codified Ordinances; Approving, Adopting and Enacting New Matter in the Updated and Revised Codified Ordinances; Repealing Ordinances and Resolutions in Conflict Therewith; Publishing the Enactment of New Matter; and Declaring an Emergency. Stokes MOVED and MacQueen SECONDED a MOTION TO APPROVE.

The Clerk explained that this is a housekeeping item agreeing to the codification of both Council-enacted measures and state-level updates to the criminal and traffic codes.

Housh OPENED THE PUBLIC HEARING. There being no comment, Housh CLOSED THE PUBLIC HEARING AND CALLED THE VOTE. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

Emergency Reading of Ordinance 2022-26 Repealing Section 1046.01 “Connection Fees” of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1046.01 “Connection Fees” (Water) and Declaring an Emergency. Stokes MOVED and Brown SECONDED a MOTION TO APPROVE.

Salmeron presented on the matter of all three tap-related ordinances, noting that the Village is losing money on every tap due to increasing materials costs. He provided a comparison to similar communities, noting that Village cost for the tap-in is 26% of the average cost.

Salmeron stated that this increase will allow the Village to put a little forward to increase capacity in each utility.

Salmeron stated that readiness for service charges have not been adjusted since 2001.

Housh OPENED THE PUBLIC HEARING.

Brown received information that there are losses in both materials and labor.

Salmeron addressed a query from MacQueen, stating that Aid to Construction items have not been adjusted.

DeVore Leonard suggested putting a regular escalator into place so that the Village does not fall behind in the future.

Salmeron agreed with the suggestion, given the increases in inflation and lack of growth in the Village, but commented that “people want to see a concrete number.”

DeVore Leonard stated his position as “how do we make the richest people pay the most.”

Jessica Thomas received confirmation that the legislation will not affect replacement meters.

There being no further comment, Housh CLOSED THE PUBLIC HEARING AND CALLED THE VOTE. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

Emergency Reading of Ordinance 2022-27 Repealing Section 1048.01 “Connection Fees” of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1048.01 “Connection Fees” (Sewer) and Declaring an Emergency. DeVore Leonard MOVED and Brown SECONDED a MOTION TO APPROVE.

Housh OPENED THE PUBLIC HEARING.

Salmeron commented that the same approach was used to justify the sewer tap increase.

There being no comment, Housh CLOSED THE PUBLIC HEARING AND CALLED THE VOTE. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

Emergency Reading of Ordinance 2022-28 Repealing Section 1042.02 “Electric Service Charges” of the Codified Ordinances of the Village of Yellow Springs, Ohio and Enacting New Section 1042.02 “Electric Service Charges” and Declaring an Emergency. Stokes MOVED and MacQueen SECONDED a MOTION TO APPROVE.

Salmeron commented that the ordinance seeks only to cover current costs, as shown in the chart in the ordinance.

Housh OPENED THE PUBLIC HEARING. There being no comment, Housh CLOSED THE PUBLIC HEARING AND CALLED THE VOTE. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

Reading of Resolution 2022-39 Approving Appropriation of \$12,600.00 for the Purpose of Providing a One-Time Appreciation Bonus to Village Employees. MacQueen MOVED and Stokes SECONDED a MOTION TO APPROVE.

Housh commented that he wished that more could be done to address inflation, but that Council wanted to provide a recognition to Village workers.

Housh CALLED THE VOTE. The MOTION PASSED 5-0 ON A ROLL CALL VOTE.

Reading of Resolution 2022-40 Authorizing Purchase of Five Adult + Minor Pool Passes in Support of the Village Impact Program. MacQueen MOVED and Stokes SECONDED a MOTION TO APPROVE.

Housh noted that the VIP has requested the passes to continue to provide access to events to their VIPs.

Salmeron and Stokes commented on the value of the program to the Village.

Housh CALLED THE VOTE. The MOTION PASSED 5-0 ON A VOICE VOTE.

CITIZEN CONCERNS

Lindsay Burke asked for information as to why the Finance Director has resigned and why she has not yet received a response to a Records Request regarding Village Finances. She asked as to the status of the Wright Street development. Her third question was in regard to her complaint against the Council President. She asked “how does Council intend to handle the fact that the response to the complaint was, in her estimation, inadequate.”

Salmeron stated that he is handling the records request piece in the absence of the Finance Director who is on medical leave until his resignation takes effect.

Swinger addressed the Wright Street matter, stating that the Final Plat will come to Planning Commission at the end of August. She stated that DDC has encountered sanitary sewer issues, and has been working with Burns on a work through to the problem.

Salmeron elaborated that the solution has been to construct two lines rather than one.

Former resident Drew Deal exhorted Council to support the Kingwood Solar Development, connecting its construction to positive climate action.

Stokes responded to Burke's comments at the request of Brown. He stated that he has responded to every person who complained, and that each response was specific to the nature of the complaint.

Burke disputed this perspective, and the exchange continued for several minutes.

SPECIAL REPORTS

PACC Presentation on Busking. Amy Wamsley presented the results of a Public Arts and Culture Commission questionnaire distributed to downtown business owners on the topic of busking.

Wamsley differentiated between vendors, buskers and street performers. She suggested that vendors be separated from artists selling created goods in terms of requirements.

Wamsley noted that none of the guidelines are in place by ordinance. She stated that some policies are unclear or hard to locate on the Village website.

Wamsley focused on busking, noting that the registration process does not appear to be monitored.

PACC is recommending the following:

- 1 - Information can be found in one location at yso.com and uses consistent language
- 2 - No registration unless there is a monitoring system in place.
- 3 - The communication is clear and accurate with specific instructions/expectations to the public. This includes a map of Village property where street performers are welcome "Creative Areas".
- 4 - Create small cards that list the Village standards and distributed in town for public use and reference. The back of the card would include the location of "Creative Areas". These would be Village owned properties or properties negotiated by the Village for buskers to perform. Creative Areas should be a minimum of 100 feet away from other areas. Locations identified with icons to show where amplified music or group performing is/is not permitted.

Changes to the language of the street performer agreement was also shared as below:

- Amplification in the Downtown Business Area is not permitted. All other locations will allow amplification. Refer to Creative Area map.
- Group performances of more than 2 people should be performed in areas away from the sidewalk, where there is plenty of space for congregation such as a park or on the John Bryan Center Lawn, Refer to Creative Area map.
- Busking and other Performances in public spaces may begin at 11 am and are to end at sundown

Wamsley added that police should not be used as the enforcement arm, but that any citizen hand out a "busking guidelines" to a performer, and only if they then refuse to comply should YSPD be called.

Wamsley noted that there was little issue expressed on the part of business owners for busking, and that when it was, it was usually an issue with drumming.

Salmeron agreed with need for an ordinance with regard to noise and sidewalk use.

Salmeron noted the taxation issue at hand for vendors, stating that Council could require registration of all vendors, with waivers available. He offered to bring a proposal back to Council.

MANAGER'S REPORT

Salmeron thanked the team for working rapidly to restore power to 200 residents between storm systems last week.

Salmeron reported that the Village received grant funding from the state for one grant, to build out the Cemetery Street parking lot, joining several other Village organizations receiving state funds.

The multi-use path along West South College is now complete, Salmeron stated.

Viral covid load tests from the WWTP show those numbers declining.

Salmeron referenced minutes from 1996 showing that Council had been considering dredging Ellis Pond for many years. He noted that the Village does not have \$250,000 to dredge, and will employ herbicides to mitigate the algal bloom.

Salmeron will be seeking donors to fill out the Swim For All account, which is insufficient to cover the need at this point.

YSDP customer survey is now live, and citizens are encouraged to partake.

Salmeron stated that he is actively seeking a new Finance Director, but that the department is being sufficiently covered in the meantime.

Jessica Thomas, Yellow Springs News asked what the best way to report an outage is, and how residents should prepare for outages.

Salmeron advised that those reporting outages should contact Dispatch. He noted that the crew is extremely responsive and swift in enacting restoration of power.

OLD BUSINESS

CASP Update. MacQueen reported that at the next meeting the group will be requesting \$25,000 from the Village to fund the program and approve its move to Agraria.

Alex Klug reported the results of a survey filled out by five Council members and the Village Manager.

Lawson Place and Home, Inc. Funding Requests. Salmeron reported out on a tenant meeting regarding a Co-op model for the residence. Most current residents expressed no interest in the concept, but Salmeron noted, younger building residents were not represented.

Salmeron reiterated his request for funding, asking for funds to offset upgrades to security and creation of a cooperative office space in the building.

MacQueen stated that none of those at the meeting indicated interest for the Co-op model, stressing that the desire for low cost, reliable housing be honored. She suggested that the property “needs to be made whole.” She then stated that she had requested \$30,000 for Home, Inc. during the budgeting process, and her belief that that amount belongs to Home, Inc. She then said, “I support both projects.”

Stokes expressed support for both projects and requests as well.

Brown noted that she had also attended the Lawson Place meeting, and she believes that there may be more interest in a Co-op model at a later point. She asked about the rules around Section 8, and was told that Section 8 is an option for renters at Lawson Place and that Section 8 recipients can also participate in cooperative housing.

DeVore Leonard noted that there is value around creating wealth through home ownership, but asked what the end goal is, whether it is long term affordable housing or to encourage building wealth for lower income persons.

Housh recommended that Council first consider the Home, Inc. request for \$30,000.

The Clerk CALLED THE ROLL ON APPROVAL TO ENCUMBER \$30,000 FOR HOME, INC for PREDEVELOPMENT FUNDS FOR A SENIOR HOUSING PROJECT. The APPROVAL PASSED 5-0 ON A ROLL CALL VOTE.

Salmeron noted that Home, Inc. had also asked for disbursement of the \$12,000 they had requested during the budgeting process, and asked that Council formally approve this request.

Housh MOVED to ALLOCATE \$12,000 FOR HOME, INC's HOME IMPROVEMENT PROGRAM. MacQueen SECONDED, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

(Clerk note: Later review of the minutes of 7-19-2021 shows passage of a resolution committing \$12,000 in the 2022 budget cycle to Home, Inc. for this purpose.)

Salmeron noted that all expenditures not in-kind are being logged as expenses and will be paid back to the Village.

Housh commented that the Housing Advisory Board needs to be reinstated and report out to Council on housing matters.

NEW BUSINESS

There was no new business.

BOARD AND COMMISSION REPORTS

There were no verbal Commission reports.

FUTURE AGENDA ITEMS

- July 5:** **Resolution 2022-38** Approving the Finance Director's 2023 Tax Budget for the Village of Yellow Springs
 Resolution 2022-42 Approving \$30,000 to YS Home, Inc. for Predevelopment Costs for a Senior Housing Project
 Ordinance 2022-29 Approving a Supplemental Appropriation for the Second Quarter of 2022
 Chamber Report
 PFCO Presentation re: Services Available and REC Information
 Storm Water Utility Discussion (Salmeron: 10 min.)
 Finance Committee Follow Up
- July 18:** **Ordinance Establishing a Storm Water Utility**
 REC Policy
 Vendor Registration Discussion
- August 1:** NO MEETING
- August 15:** Busking Guidelines

Housh attempted to adjourn the meeting, but was interrupted by the Solicitor, who referenced a request she had made for an Executive Session.

The Clerk noted that the memo sent out with the packet had cancelled the second Executive Session.

Housh commented that interviews regarding legal services had been postponed.

Parcels declared that her contract “is up” as of June 30th, and stated that she would “appreciate a Council decision before then.” She noted there is no meeting between the 21st and the 30th of June.

Housh stated his understanding that the Village Manager can negotiate continuation on an hourly rate after the contract expires, expressing his belief that the decision need not be made in haste.

Parcels declared, “Council has to vote on it.”

Salmeron opined that Council was not required to vote when a contract expires and they are not immediately ready to finalize a decision, and that services can then continue at an hourly rate, per Parcels own information during a prior conversation.

Stokes sought guidance as to the need for a vote on moving to an hourly rate.

Salmeron stated that no Council vote was needed, since there is no contract approval, and services can roll into the hourly rate.

The Clerk noted that the previous Solicitor had continued without a contract for a number of months with no Council vote.

Parcels stated that Council must vote, and reiterated that her contract expires June 30.

Parcels again stated that Council must vote on the hourly rate. She commented regarding a contracted rate saying, “it’s possible.” There was no clarification of that comment.

Salmeron asked that for the purposes of clarity, he would like a Council vote.

Housh MOVED to “CONTINUE TO APPROVE BREANNE’S SERVICES AT THE HOURLY RATE.” MacQueen SECONDED, and the MOTION PASSED 5-0 ON A ROLL CALL VOTE.

ADJOURNMENT

Housh MOVED TO ADJOURN. Brown SECONDED, and the MOTION PASSED ON A VOICE VOTE at 9:23pm.

Brian Housh, Council President

Attest: Judy Kintner, Clerk of Council